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Name: Examiner Shekeel
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Date: January 9, 2003
Subject: U.S. Patent Application Serial No. 09/786,276

FROM

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FROM: HALLA PATENT

FAX NO.: 8225571298

95-05-23 02:09 P. 02

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

HUH, Sang Hoon

13th Fl., Hyecheon Bldg., 831, Yeoksam-dong, Kangnam-ku,
Seoul 135-792, Republic of KoreaNOTIFICATION OF TRANSMITTAL
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year) 25 JANUARY 2002 (25.01.2002)Applicant's or agent's file reference
#138

IMPORTANT NOTIFICATION

International application No.

PCT/KR00/01170

International filing date (day/month/year)

18 OCTOBER 2000 (18.10.2000)

Priority date (day/month/year)

18 OCTOBER 1999 (18.10.1999)

Applicant

Samsung Fine Chemicals Co., Ltd. et al

1. The applicant is hereby notified that International Preliminary Examining Authority transmits here with the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the international application (not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**
The applicant must enter the national phase before each elected office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the information sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must be furnished to the International Bureau and the International Preliminary Examining Authority. It is the applicant's responsibility to furnish such translation directly to each elected Office concerned.

For further details in the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 920 Dunsan-dong, Seo-gu,
Daejeon Metropolitan City 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-5210

FROM: HALLA PATENT

FAX NO.: 8225571298

95-05-23 02:10A P.03

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference #138	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/KR00/01170	International filing date (day/month/year) 18 OCTOBER 2000 (18.10.2000)	Priority date (day/month/year) 18 OCTOBER 1999 (18.10.1999)
International Patent Classification (IPC) or national classification and IPC IPC7 C07C 67/00, C12P 7/00		
Applicant Samsung Fine Chemicals Co., Ltd. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 02 MAY 2001 (02.05.2001)	Date of completion of this report 25 JANUARY 2002 (25.01.2002)
Name and mailing address of the IPEA/KR Korean Intellectual Property Office Government Complex-Daejeon, 920 Dunsan-dong, Seo-gu, Daejeon Metropolitan City 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer KANG, Jeon Kwan Telephone No. 82-42-481-5553



FROM: HALLA PATENT

FAX NO.: 8225571298

95-85-23 02:11A P.04
International application No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

PCT/KR00/01170

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement) under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheet _____

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed," and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

FROM: HALLA PATENT

FAX NO.: 8225571298

95-85-23 02:11A P.05

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

PCT/KR00/01170

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-9	YES
	Claims	NO
Inventive step (IS)	Claims 1-9	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-9	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The invention defined by the claims is a process for preparing a chiral ester(100) by reacting the following materials:

1. a racemic alcohol(4)
2. a ruthenium complex(1,2,3) to activate racemization of said racemic alcohol(4)
3. a lipase to acylate one enantiomer selectively from said racemic alcohol(4)
4. an acyl donor compound to supply acyl group to said lipase

No individual citation or obvious combination of citations discloses this process for preparing a chiral ester(100).

The closest art is EP-A2-375417. Although this is directed to a process for preparing a chiral ester, the method employed is different to the present invention.

Therefore the subject matter of claims 1-9 meets the requirements of Article 33(2)-(4).